UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

	)	
UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 05-10214-MLW
	)	
	)	
FLORENTINO RUIDIAZ, JR.,	)	
	)	
Defendant	)	

JOINT STATUS MEMORANDUM RE: FINAL STATUS CONFERENCE

Pursuant to the Court's Order dated November 8, 2005, the United States of America and

Defendant, Florentino Ruidiaz, Jr., by their undersigned counsel, respectfully submit the

following status report regarding the above-captioned matter:

A.   **Local Rule 116.5(C)(1)**

Whether there are outstanding discovery issues not yet presented or resolved by the Court

The parties are unaware of any outstanding discovery issues requiring resolution.

B.   **Local Rule 116.5(C)(2)**

Whether a party anticipates providing additional discovery as a result of its future receipt of information, documents, or reports of examinations or tests

The Government is unaware of any discovery in its possession remaining to be produced,

with the exception of that required by Local Rule 116.2(B)(2) (21-day discovery). No expert

discovery has been requested at this time. Defendant reserves the right to request discovery

concerning expert witnesses under Fed. R. Crim. P. 16(a) if it is determined that a trial or any

other hearing will be necessary where the United States will present expert witnesses. If expert

discovery is requested, the United States reserves the right to request reciprocal discovery. Both

the United States and Defendant understand that they have an ongoing and continuing duty to

produce discovery.

C.   Local Rule 116.5(C)(3)

Whether the defendant intends to raise a defense of insanity or public authority

The defendant has no intention of raising such a defense in this matter.

D.   Local Rule 116.5(C)(4)

Whether the government has requested notice of alibi by the defendant and, if so, whether the defendant has timely responded

The Government has requested notice of alibi. The defendant has advised the

Government that defendant will not be raising an alibi defense in this matter.

E.   Local Rule 116.5(C)(5)

Whether the defendant has filed, or intends to file, any motion to sever, dismiss, or suppress, or any other motion requiring a ruling by the District Court before trial

Defendant intends to file one or more motions requiring a ruling by the District Court

before trial.

F.   Local Rule 116.5(C)(6)

Whether a schedule should be set concerning any matter in the case other than trial.

The parties request that a schedule be set for filing motions.

G.   Local Rule 116.5(C)(7)

Whether the parties have discussed the possibility of any early resolution of the case without trial and, if so, the results of that discussion

The parties agree that it is too early to determine whether a trial will be necessary.

H.   <u>Local Rule 116.(C)(8)</u>

Whether there are periods of excludable delay under the Speedy Trial Act as to which the parties agree, and what they are, and whether there are any disagreements, and what they are, to enable the Magistrate Judge to rule on periods of excludable delay at the Final Status Conference

In its November 8, 2005, Order on Excludable Delay, the Court held that, as of December

15, 2005, there will have been 15 days of non-excludable delay under the Speedy Trial Act

(October 24, 2005 - November 7, 2005), and that fifty-five days will remain under the Speedy

Trial Act in which this case must be tried. The parties agree with this calculation.

I.   <u>Local Rule 116.5(C)(9)</u>

The estimated length of trial

If a trial is necessary, the United States estimates that it would last approximately two

days.

                                                 Respectfully submitted,

FLORENTINO RUIDIAZ, JR.   MICHAEL J. SULLIVAN
                                           United States Attorney

By his attorney,

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                                           Date: December 13, 2005